

FILED

FEB 29 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILLIAM CROSBY,

Plaintiff,

v.

YVONNE DELORIS CATRET, *et al.*,

Defendants.

Civil Action No. 08 0362

MEMORANDUM OPINION

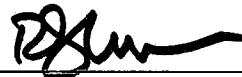
This matter is before the Court upon consideration of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint.

It appears that plaintiff asks for the initiation of a criminal prosecution against witnesses who testified at his criminal trial, against the presiding judge, and against the attorneys who prosecuted the criminal case against him. In addition, plaintiff brings a claim under 42 U.S.C. § 1985 stemming from the defendants' alleged conspiracy to violate his civil rights.

There is no private right of action under a criminal statute, however. *See Hunter v. District of Columbia*, 384 F. Supp. 2d 257, 260 n.1 (D.D.C. 2005); *Rockefeller v. U.S. Court of Appeals Office, for Tenth Circuit Judges*, 248 F. Supp. 2d 17, 23 (D.D.C. 2003). For this reason, the complaint must be dismissed in part for its failure to state a claim upon which relief can be granted. Plaintiff's conspiracy claim will be dismissed because the complaint does not appear to allege the elements of a civil conspiracy: "(1) an agreement between two or more persons; (2) to participate in an unlawful act, or a lawful act in an unlawful manner; (3) an injury caused by an unlawful overt act performed by one of the parties to the agreement; (4) which overt act was done pursuant to and in furtherance of the common scheme." *Halberstam v. Welch*, 705 F.2d 472, 477

(D.C. Cir. 1983); *see McCreary v. Heath*, No. 04-0623 (PLF), 2005 WL 3276257, at *5 (D.D.C. Sept. 26, 2005) (dismissing conspiracy claim where the “complaint fails to allege the existence of any events, conversations, or documents indicating that there was ever an agreement or ‘meeting of the minds’ between any of the defendants . . .”).

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

DATE:

2/15/08